

Application No. 10/717,959
Response dated: July 19, 2006
Reply to Advisory Action of June 7, 2006
(Final Office Action March 20, 2006)

Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 3. This sheet, which includes FIG. 3, replaces the original sheet including FIG. 3. In FIG. 3, “Adaptive sampling rate control circuit (346)” has been changed to “Maximum search window calculation circuit (346).”

Attachment: Replacement Sheet.

REMARKS

In response to the Advisory Action dated June 7, 2006, Applicants respectfully request reconsideration based on the above replacement drawing, claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 3-7 and 10-16 are pending in the present Application. Claims 1, 3, 4, 6, 7, 12 and 13 are amended and claim 2 has been cancelled, leaving claims 1, 3-7 and 10-16 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Allowable Subject Matter

In the Final Office action, mailed March 20, 2006, the Examiner indicated claims 8, 9 and 18 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 was amended in response to the March 20, 2006 Office action to include the limitations of Claims 8 and 9. In the present response, Claim 1 is further amended to include all of the limitations of Claim 2 and Claim 2 is accordingly cancelled. Reconsideration, entry of the amendment and allowance of Claim 1 are respectfully requested.

Claim 16 was amended in response to the March 20, 2006 Office action to encompass all of the limitations of Claims 17 and 18. Accordingly, Claim 16, as amended, is novel and non-obvious over the cited references and is thus allowable. Allowance of Claim 16 is respectfully requested.

Claim Rejections – 35 USC §102

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Bohn (U.S. Patent No. 6,429,422) in the Final Office action of March 20, 2006. Applicant respectfully traverses.

As discussed above, amended Claim 1 is allowable over prior art as including allowable subject matter. Reconsideration, entry of the claim amendment and allowance of Claim 1 are respectfully requested.

Claim Rejections – 35 USC §103

Claims 2-7 and 10-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bohn in view of Oliver et al (U.S. Patent No. 6,455,840) in the Final Office action of March 20, 2006. Applicant respectfully traverses. Claims 2 and 17 are hereinabove cancelled and rejections thereto are rendered moot.

Claims 3-7, 10 and 11 variously depend from Claim 1. Claims 3, 4, 6 and 7 are amended to provide proper antecedent basis to Claim 1. As discussed above, amended Claim 1 is allowable over prior art. Accordingly, Claims 3-7, 10 and 11 are correspondingly allowable as depending upon Claim 1. Reconsideration, entry of the amendment, withdrawal of the relevant §103 rejection and allowance of Claims 3-7, 10 and 11 are respectfully requested.

As discussed above, amended Claim 16 is allowable over prior art. Allowance of Claim 16 is respectfully requested.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 13-15 depend from Claim 12 and inherit all of the limitations of Claim 12. Claim 12 has been amended to more particularly and clearly claim the invention with respect to the drawings. Applicant respectfully submits that Bohn and Oliver fail to disclose an optical pointing system comprising an image sensor for detecting light reflected from a worktable surface to generate an image signal, a sampling rate and maximum search window variable circuit for inputting at least one of the image signal to detect a quantity of light and a movement value to detect a movement speed and to generate a sampling rate control signal for

changing a sampling rate and a sensor circuit having a movement value calculation circuit for responding to the sampling rate control signal and calculating the movement value of the image signal using the changed maximum search window of amended Claim 12.

Therefore, Bohn and Oliver fail to disclose *all of the limitations* of Claim 12.

Applicant respectfully submits that Claim 12 is not further rejected or objected and is therefore allowable over Bohn and Oliver. Claims 13-15 depend from Claim 12 and are correspondingly allowable. Reconsideration, entry of the amendment, withdrawal of the relevant §103 rejection and allowance of Claims 12-15 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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